

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Floyd E. Brown II,

Plaintiff,

v.

Wal-Mart,

Defendant.

C/A No. 3:23-cv-1203-JFA-SVH

ORDER

Floyd E. Brown II (“Plaintiff”), proceeding pro se, filed this civil action alleging Defendant falsely accused him of shoplifting. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review. Specifically, the Magistrate Judge conducted an initial review of Plaintiff’s motion for a judgment on the pleadings. (ECF No. 20).

After reviewing the motion and all subsequent briefing, the Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”), which opines that Plaintiff’s motion should be denied. (ECF No. 26). The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

The Magistrate Judge required objections to be filed by August 23, 2023. *Id.* No party filed objections. Thus, this matter is ripe for review.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

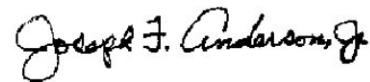
A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Here, each party has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. A review of the Report indicates that the Magistrate Judge correctly concluded that Plaintiff's motion should be denied.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference. (ECF No. 26). Consequently, Plaintiff's motion (ECF No. 20) is denied. This matter is recommitted back for the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

September 11, 2023
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge